

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JOSEPH C. MCGHEE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:22-cv-476
	)	
UNITED STATES, UNITED	)	
STATES SUPREME COURT, and	)	
UNITED STATES CONGRESS,	)	
	)	
Defendants.	)	

**ORDER**

This matter is before the court for review of the Order and Recommendation filed on July 5, 2022, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 3.) In the Recommendation, the Magistrate Judge recommends that the Complaint should be filed and dismissed sua sponte without prejudice to Plaintiff filing a new complaint, on the proper forms, which corrects the defects cited in the Recommendation. (Id.) The Recommendation was served on the Plaintiff on July 5, 2022. (Doc. 4.) No Objections were filed within the time limits prescribed by Section 636.

However, Plaintiff filed a pleading, "Direct Appeal to Supreme Court of the United States," (Doc. 5). On October 19, 2022 the United States Court of Appeals for the Fourth Circuit dismissed the proceeding for failure to prosecute pursuant to

Local Rule 45, and issued its formal mandate pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure, (see Docs. 9, 10).

Therefore, the court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

**IT IS THEREFORE ORDERED** that the Magistrate Judge's Recommendation, (Doc. 3), is **ADOPTED. IT IS FURTHER ORDERED** that this action is **DISMISSED** sua sponte without prejudice to Plaintiff filing a new complaint, on the proper forms, which corrects the defects cited in the Recommendation.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 10th day of May, 2023.

  
\_\_\_\_\_  
United States District Judge